REMARKS

The Office Action dated November 15, 2006 has been carefully reviewed and considered. Claims 1-36 are currently pending. Claims 16-27 and 30-36 are withdrawn and Claims 1-15 and 28-29 stand rejected.

In the foregoing Amendments, Claims 1-15 and 28-29 have been amended and Claim 37 has been added. Support for these amendments can be found in the specification and claims of the application as filed. No new matter has been added. Claims 16-27 and 31-36 have been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 1-15, 28-29 and 37 are currently pending.

Applicant respectfully requests entry of the foregoing Amendments and reconsideration of the present application in light of the amendments above and the remarks below.

Election/Restrictions

In view of the Examiner's earlier restriction requirement, Applicant retains the right to pursue claims 16-27 and 31-36 in a divisional application.

Objection to Specification

The Office Action objects the disclosure because there are numerous grammatical errors throughout the Specifications. The errors in the specification have been corrected and thus, this objection is respectfully traversed.

Claim Objections

Claims 1-15 and 28-29 stand objected to as allegedly being improper reference to a drawing, improper use of an acronym and periods. Claims 1-15 and 28-29 have been amended and this objection is traversed.

The 35 U.S.C. §112 Rejection, Second Paragraph

The Office Action has rejected claims 6 and 29 under 35 U.S.C. § 112 because the phrase "could be" and "for example" render the claims indefinite because it is unclear whether the limitation(s) following the phrase are part of the claim invention. Claims 6 and 29 have been amended. As amended, Applicant believes that pending claims 6 and 29 particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The 35 U.S.C. §102 Rejection

The Office Action has rejected claims 1-3, 5-6, and 9-15 under 35 U.S.C. § 102(e) as being anticipated by Anderson, et al. (U.S. 2003/0084128 A1) ("Anderson"). Without admitting that Anderson is prior art and reserving the right to establish that it is not prior art, Applicant respectfully traverses this rejection for the reasons below.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the … claim." *Richardson v. Suzuki Motor Co.*, 869 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). *See also*, M.P.E.P. §2131.

Applicant respectfully submits that Anderson does not anticipate the presently claimed invention because Anderson fails to disclose each and every element set forth in the claimed invention. For example, the amended Claim 1 of the present invention recites in part:

> (d)   console supporting software on a control management station getting and storing tasks into a user space task list, and obtaining associated locks for each task; and
> (e)   console supporting software distributing <u>multiple tasks to multiple systems</u> until all of said tasks are performed.

Emphasis added. In other words, the present invention discloses a technique of distributing multiple tasks to multiple systems substantially the same time. Applicant respectfully

disagree with the assertion made in the Office Action that element (e) is anticipated by paragraph [0082]-[0083] of Anderson. Anderson essentially states that,

> [0082] In the agent processing module 340, according to one embodiment, after the local agent 40 has logged on, then the server 10 first determines whether the logon is a standard poll of the server 10 to determine whether any tasks are waiting in the task queue 14, or if the logon is a file upload. According to one embodiment, the two states are treated independently of each other--meaning if you have one state, then you do not have the other. In another embodiment, the server 10 first receives and processes the file uploaded by the agent 40, and then checks the task queue 14 for any new tasks that need attention.
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> [0083] According to another embodiment, in act 344, the poll is received. Task requests in a task list corresponding to the local agent 20, are queried or looked up in the task queue 14 in act 348. In act 352, a test is performed to determine whether there are any outstanding tasks in the task queue 14. <u>If there are no outstanding task requests in the task queue 14, then the local agent 40 is informed of such and logged out (act 380). However, if there are task requests in the task queue 14, then processing continues to act 360. The Applicants respectfully disagree for the reasons set forth below.</u> (Emphasis added).

As can be seen, Anderson has never mentioned or suggested distributing multiple tasks to multiple systems substantially the same time. Since Anderson has failed to disclose each and every element set forth in Claim 1, Claim 1, at least for this reason, should be patentable over Anderson under 35 U.S.C. §102.

If the independent claims are valid, the claims that depend from the independent claims should also be valid as matter of law. See <u>Jenric/Pentron, Inc. v. Dillon Co.</u>, 205 F. 3d 1377, 1382 (Fed. Cir. 2000).). Since Claims 2-15 depend on allowable independent Claim 1, Claims 2-15 should also be patentable as matter of law.

<u>The 35 U.S.C. § 103 Rejection</u>

Claims 28-29 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Anderson in view of Jackson et al. (US Patent Application No. 2002/0152305), hereinafter referred to "Jackson". Without admitting that Anderson and Jackson are prior art

and reserving the right to establish that they are not prior art, Applicant respectfully disagrees with this rejection.

According to M.P.E.P. §2143,

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

In order to expedite the allowance of the present application, Applicant has amended independent claim 28 to further particularly point out and distinctly claim subject matter regarded as the invention. For example, amended Claim 28 of the present invention recites in part:

> a central control management station capable of distributing <u>multiple tasks to multiple systems</u> substantially the same time

(Emphasis added). In other words, the present invention discloses a technique of distributing multiple tasks to multiple systems substantially the same time.

In contrast, Anderson essentially discloses a method of remote file access while Jackson discloses an information management system. Neither Anderson nor Jackson or a combination of both discloses or teaches the element of "distributing multiple tasks to multiple systems."

A desired outcome that the invention provides cannot be used as the motivation to combine the references if there is no such teaching in the references. Since neither Anderson nor Jackson teaches or suggests a combination between Anderson and Jackson, Applicant contends that there is no teaching to combine.

Even assuming for the sake of argument that Anderson and Jackson were combined, the combination would still fail to render the present invention obvious because neither Anderson nor Jackson nor a combination of both discloses or suggests a technique of "distributing multiple tasks to multiple systems." Accordingly, one of ordinary skill in the

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art would not combine Anderson and Jackson, because even if they were combined, the combination would still fail to disclose or suggest each and every element disclosed in Claim 28. At least for the reasons stated above, Claim 28 is patentable over Anderson and Jackson under §103.

Claims 29 and 30 depend from claim 28 and thus include the limitations of claim 28. The argument set forth above is equally applicable here. The base claims being allowable, the dependent claims must also be allowable at least for the same reasons.

The Office Action further rejected claims 4 and 7-8 under 35 U.S.C. § 103(a) as being unpatentable over Anderson and in view of Zhao (U.S. 6,035,404), hereinafter referred to as "Zhao". Without admitting that Anderson and Zhao are prior art and reserving the right to establish that they are not prior art, Applicant respectfully disagrees with this rejection. Since Claims 4 and 7-8 depend from Claim 1, Claims 4 and 7-8 include the limitations of Claim 1. The argument set forth above in Claim 1 is equally applicable here. The base claims being allowable, the dependent claims must also be allowable at least for the same reasons.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

Based on all of the above, Applicant believes all claims now pending in the present application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

No additional fees are believed to be due at this time.

Applicant thanks the Examiner for carefully examining the present application and if a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Jim Wu at (408)260-3212.

Respectfully submitted,

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